

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

LM WIND POWER

and

Case 15-CA-136570

MELINDA KANNADA

ORDER¹

The Employer's petition to revoke Subpoena B-716333 is denied, except as described below.² The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., March 25, 2015

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² We grant the petition to revoke as to documents pertaining to discipline and terminations for reasons unrelated to those articulated by the Employer for its adverse employment actions against the charging party; therefore, the Employer shall produce responsive documents regarding discipline and terminations imposed for reasons that were the same as or similar to those applicable (according to the Employer) to the charging party. This is without prejudice to any new subpoena seeking documents regarding discipline or terminations for other, dissimilar reasons, to the extent such documents are relevant to the investigation.

Member Hirozawa would deny the petition in its entirety. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought. Discipline and termination records are routinely requested and produced in the investigation of unlawful discharge allegations, and the temporal scope of the Region's request is reasonable. The merits of the charge may very well turn on whether other employees were disciplined or terminated for similar reasons. Allowing the Employer to determine unilaterally what is "similar" would inappropriately hinder the Region's investigation.